

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of Bernard
L. Madoff,

Plaintiff,

v.

STANLEY SHAPIRO, *et al.*,

Defendants.

Adv. Pro. No. 10-05383 (SMB)

STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT

WHEREAS, on December 9, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the substantively consolidated estate of Bernard L. Madoff, individually, commenced the above-captioned adversary proceeding against, among others, Renee Shapiro; and

WHEREAS, on November 10, 2017, counsel for Renee Shapiro and the other named defendants filed a notice of Renee Shapiro’s death (ECF No. 83);

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and Stanley Shapiro, in his capacity as executor of the estate of Renee Shapiro (the “Estate”), as follows:

1. The Estate and Stanley Shapiro, in his capacity as executor of the Estate (the “Estate Defendants”), are hereby substituted into this action in place of Renee Shapiro, deceased, and the operative complaint, the Second Amended Complaint (ECF No. 33), shall be deemed so amended.

2. The Clerk of the Court is hereby directed to amend the caption to remove Renee Shapiro and substitute the Estate Defendants as reflected on Exhibit A to this Stipulation. For the sake of clarity, Stanley Shapiro, in his individual and certain other capacities, remains a defendant in this action.

3. This Stipulation is intended by all parties hereto to be solely for the purpose of substituting the correct parties to comply with Federal Rule of Civil Procedure 25(a)(1), made applicable by Federal Rule of Bankruptcy Procedure 7025.

4. Undersigned counsel for the Estate Defendants: (i) expressly represent that they have the authority to accept service of the Second Amended Complaint on behalf of the Estate Defendants; (ii) waive service of the summons and the Second Amended Complaint on behalf of the Estate Defendants; (iii) hereby waive any defenses based on insufficiency of process or insufficiency of service of process of the summons and Second Amended Complaint on behalf of the Estate Defendants; and (iv) expressly agree that the amendment noted in Paragraph 1 hereof shall not be considered an amendment under Federal Rule of Civil Procedure 15(a)(1)(A) or (B).

5. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

6. This Stipulation may be signed by the parties in any number of counterparts, each

of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: January 2, 2018
New York, New York

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Attorneys for Defendants

Dated: January 3rd, 2018
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A – PROPOSED AMENDED CAPTION

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Plaintiff,

v.

STANLEY SHAPIRO, individually, as general
partner of S&R Investment Co., as trustee for LAD
Trust, as trustee for David Shapiro 1989 Trust, as
amended, and as trustee for Leslie Shapiro 1985
Trust, as amended, and as executor of the estate of
Renee Shapiro,

THE ESTATE OF RENEE SHAPIRO,

S&R INVESTMENT CO.,

LAD TRUST,

DAVID SHAPIRO,

DAVID SHAPIRO 1989 TRUST, as amended,

LESLIE SHAPIRO CITRON,

Adv. Pro. No. 10-05383 (SMB)

LESLIE SHAPIRO 1985 TRUST, as amended, and
KENNETH CITRON,

Defendants.